

PATENT COOPERATION TREATY

RECEIVED PCT/CN2003/000711

From the INTERNATIONAL BUREAU 16 FEB 2005

PCT

NOTIFICATION OF TRANSMITTAL OF COPIES OF TRANSLATION OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 72.2)

To:

CHINA SINDA INTELLECTUAL PROPERTY LIMITED
B11th Floor, Focus Place, 19 Financial Street, Xicheng
District
100032 Beijing
CHINE

WP-04 0048-35

Date of mailing (day/month/year)
03 February 2005 (03.02.2005)

Applicant's or agent's file reference
PCTIC0305CN

IMPORTANT NOTIFICATION

International application No.
PCT/CN2003/000711

International filing date (day/month/year)
22 August 2003 (22.08.2003)

Applicant

BIORIGHT WORLDWIDE COMPANY LIMITED et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CO, EP, GH, KG, KP, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CN, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Nora Lindner

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 89 65

REC'D 15 DEC 2004

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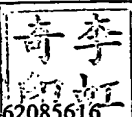
Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCTIC0305CN	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CN03/00711	International filing date (day/month/year) 22.8 月 2003(22.08.03)	Priority date (day/month/year) 23.8 月 2002(23.08.02)
International Patent Classification (IPC) or national classification and IPC C07D213/69 A61K31/435		
Applicant BIORIGHT WORLDWIDE COMPANY LIMITED		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application.</p>		

Date of submission of the demand 22.Aug.2003(22.08.03)	Date of completion of this report 15.Nov.2004(15.11.04)
Name and mailing address of the IPEA/CN 6 Xitucheng Rd., Jimen Bridge, Haidian District, 100088 Beijing, China Facsimile No. 86-10-62019451	Authorized officer  Telephone No. 86-10-62085616

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CN03/00711

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed☐ the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the claims:

Nos _____, as originally file

Nos _____, as amended (together with any statement) under Article 19

Nos _____, filed with the demand

Nos _____, filed with the letter of _____

☐ the drawings:

sheets/fig _____, as originally filed

sheets/fig _____, filed with the demand

sheets/fig _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. with regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages _____☐ the claims No. _____☐ the drawings, sheets/fig _____5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CN03/00711

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. This questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of :

☐ the entire international application,

☒ claims Nos. 23—25

because:

☒ the said international application, or the said claims Nos. 23—25

relate to the following subject matter which does not require an international preliminary examination (specify):

Claims 23-25 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT.

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. _____

are so unclear that no meaningful opinion could be formed (specify):

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CN03/00711**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement:**

Novelty (N)

Claims 1-22

YES

Claims

NO

Inventive step (IS)

Claims 1-22

YES

Claims

NO

Industrial applicability (IA)

Claims 1-22

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

(1) Reference is made to the following document:

D1=CN 1431242, 23 July 2003 cited in the application

(2) Novelty (Art.33(1) and (2) PCT):

D1 were published after the earliest priority date and The compounds of the Present application differ from polymers of D1. The application thus fulfills the requirements of Art.33 (2) PCT.

(3) Inventive step (Art.33(1) and (2) PCT):

D1 were published after the earliest priority date and The compounds and use of the Present application differ from polymers and use of D1. The application thus fulfills the requirements of Art.33 (3) PCT.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CN03/00711

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
CN1431242	2003-07-23	2003-01-14	no

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)

利 合 作 条 约

PCT

国际初步审查报告
(PCT 条约 36 和细则 70)

RE 15 DEC 2004

WIPO

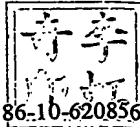
PCT

申请人或代理人的档案号 PCTIC0305CN	关于后续行为 参见“传送国际初步审查报告的通知”(PCT/IPEA/416 表)	
国际申请号 PCT/CN03/00711	国际申请日(日/月/年) 22.8 月 2003(22.08.03)	优先权日(日/月/年) 23.8 月 2002(23.08.02)
国际专利分类(IPC)或者国家分类和 IPC 两种分类 C07D213/69 A61K31/435		
申请人 百瑞全球有限公司 等		

1. 本国际初步审查单位已作出国际初步审查报告并依照条约第 36 条将其传送给申请人。
2. 本报告共计 5 页, 包括扉页。
- ☐ 本报告还有附件, 即修改后的并且作为本报告基础的说明书修改页、权利要求书修改页和/或附图修改页, 和/或对本国际初步审查单位所作出的更正页(见 PCT 细则 70.16 和行政规程 607)。
- 这些附件共计____页

3. 本报告包括关于下列各项的内容:

- I ☒ 报告的基础
- II ☐ 优先权
- III ☒ 不作出关于新颖性、创造性和工业实用性的意见
- IV ☐ 缺乏发明的单一性
- V ☒ 按条约 35(2)关于新颖性、创造性或工业实用性的推断性意见; 支持这种意见的引证和解释
- VI ☐ 引用的某些文件
- VII ☐ 国际申请中的某些缺陷
- VIII ☐ 对国际申请的某些意见

提交要求书的日期 22.8 月 2003(22.08.03)	完成本报告的日期 15.11 月 2004(15.11.04)
国际初步审查单位名称和地址 IPEA/CN 中国北京市海淀区西土城路 6 号(100088) 传真号: 86-10-62019451	授权官员  电话号码: 86-10-62083616

I. 报告的基础

1. 关于国际申请中各个部分：*

☒ 原始提交的国际申请。

☐ 说明书, 第_____页, 原始提交的,
第_____页, 要求书提交的,
第_____页, _____的信件提交的。

☐ 权利要求, 第_____项, 原始提交的,
第_____项, 条约第 19 条修改的(附有说明),
第_____项, 要求书提交的。
第_____项, _____的信件提交的。

☐ 附图, 第_____页, 原始提交的。
第_____页, 随要求书提交的,
第_____页, _____的信件提交的。

☐ 说明书中的序列部分
第_____页, 原始要求提交的,
第_____页, 随要求书提交的,
第_____页, _____的信件提交的。

2. 关于所使用的语言, 除本项下另有说明外, 本国际初步审查单位所获得的或者已向本国际初步审查单位提交的上述所有部分, 所使用的语言均为提交本国际申请时所使用的语言。

本国际初步审查单位所获得的或向本国际初步审查单位提交的这些部分所使用的语言是 _____, 这种语言是

- ☐ 为了国际检索而提交的译本所使用的语言(细则 23.1(b))。
☐ 本国际申请公布时所使用的语言(细则 48.3(b))。
☐ 为了国际初步审查而提交的译本所使用的语言(细则 55.2 和/或 55.3)。

3. 关于本国际申请中所公开的任何核武酸和/或氨基酸的序列, 本国际初步审查是根据下面的序列表进行的:

- ☐ 国际申请中所包含的书写形式的序列表。
☐ 与国际申请同时提交的计算机可读形式的序列表。
☐ 后来以书写形式向本国际初步审查单位提交的序列表。
☐ 后来以计算机可读的形式向本国际初步审查单位提交的序列表。
☐ 已提交了关于后来提交的书写形式的序列表没有超出原始提交的国际申请所公开的范围的说明。
☐ 已提交了关于以计算机可读的形式记载的信息是与书写形式的序列表相同的说明。

4. 修改删除了以下内容:

- ☐ 说明书, 第_____页
☐ 权利要求, 第_____项
☐ 附图, 第_____页, 图_____

5. ☐ 由于(某些)修改被认为超出了原始公开的范围, 如补充栏所示, 因此本报告是按照如同没有修改的情况作出的(细则 70.2(c)). **

* 按照条约第 14 条答复通知时向受理局提交的替换页, 在本报告中被称为“原始提交的”, 这些替换页不作为本报告的附件, 因为它们没有包含修改(细则 70.16 和 70.17)。

** 任何包含这种修改的替换页, 都必须在第 1 项中指明, 并作为本报告的附件。

III. 对于新颖性、创造性和工业实用性不做出审查意见

1. 对于:

- ☐ 整个国际申请
☒ 权利要求 23-25

没有审查所要求保护的发明是否具有新颖性, 创造性(非显而易见性), 或者工业实用性, 因为:

- ☒ 该国际申请, 或所述权利要求 23-25
 涉及下列无须进行国际初步审查的主题(具体说明):
 权利要求 23-25 涉及属于 PCT 实施细则第 67.1(iv) 不被允许的主题。

- ☐ 说明书、权利要求或者附图(下面特别指明的部分)或者所述权利要求
 不清楚, 以致不能形成任何有意义的审查意见(具体说明):

- ☐ 权利要求书或所述权利要求 _____ 没有得到说明书的充分支持,
 以致不能形成任何有意义的审查意见。

- ☐ 对权利要求 _____ 没有做出任何国际检索报告。

- ☐ 无法进行有意义的国际初步审查, 因为核苷酸和/或氨基酸序列表不符合行政规程附件 C 中所规定的标准:

书面形式的序列表

- ☐ 没有提交。
☐ 不符合标准。

计算机可读形式的序列表

- ☐ 没有提交。
☐ 不符合标准。

- ☐ 如果仅以计算机可读形式提交, 与核苷酸和/或氨基酸序列表相关的表格, 不符合行政规程附件 C 之二规定的技术要求。

- ☐ 详情见补充栏。

V. 按条约 35 条(2)关于新颖性、创造性或工业实用性的推断性意见；支持这种意见的引证和解释

1. 意见

新颖性(N)	权利要求 1-22	是
	权利要求	否
创造性(IS)	权利要求 1-22	是
	权利要求	否
工业实用性(IA)	权利要求 1-22	是
	权利要求 23-25	否

2. 引证和解释（细则 70.7）

1、引用的对比文件：

D1=CN1431242, 2003-07-23

2、新颖性（专利合作条约第 33（1）和（2）条）：

D1 公开的日期在本申请优先权日之后，而且 D1 公开的化合物是一种聚合物，它不同于本申请的化合物，因此本申请满足专利合作条约第 33（2）关于新颖性的规定。

3、创造性（专利合作条约第 33（1）和（3）条）：

D1 公开的日期在本申请优先权日之后，而且 D1 公开的聚合物与本申请的化合物不同，用途也不同，因此本申请满足专利合作条约第 33（3）关于创造性的规定。

VI. 某些引用文件

1. 某些已公布的文件(细则 70.10)

申请号 专利号	公布日 (日/月/年)	申请日 (日/月/年)	优先权日(有效的) (日/月/年)
CN1431242	2003-07-23	2003-01-14	无

2. 非书面公开(细则 70.9)

非书面公开的种类

非书面公开的日期
(日/月/年)

述及非书面公开的
书面公开的日期
(日/月/年)